

## DECISION

**Case number:** NDR033-13  
**Applicant:** Katalin Fox  
**Respondent:** Kim Elizabeth Arnold  
**Before:** Mr John Bertelsen, Adjudicator  
**Date:** 17 July 2013  
**Proceeding Type:** Tribunal Hearing

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The *Tipuana Tipu* tree located on and adjacent to the boundary between 32 and 34 Barron Road, Birkdale be completely removed.
2. The Respondent, Ms Arnold is to arrange for the work to be conducted.
3. The removal is to be conducted by an appropriately qualified insured arborist.
4. The Applicant Ms Fox and the owner of 34 Barron Road, Birkdale shall give access to the arborist engaged to carry out the removal.
5. The Respondent, Ms Arnold shall take all reasonable steps to comply with Section 94 of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*, by:
  - (a) providing written notice of intention to enter the land and carry out the work at least 7 days prior to entering 34 Barron Road, Birkdale; and
  - (b) directing the arborist to enter the land for the purpose of completing the work at a reasonable time and only to the reasonable extent needed to carry out the work.
6. The Respondent, Ms Arnold is to pay the full cost of removal of the tree.
7. The removal is to be carried out within 60 days of the date of this order.
8. In addition, the Respondent, Ms Arnold pay to the Applicant, Ms Fox the sum of \$7,286.40 within 120 days of the date of this order.

Signed

John Bertelsen  
Adjudicator  
**Queensland Civil and Administrative Tribunal**  
17 July 2013